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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JAMES B. WOLFF,

Plaintiff,

v.

TOMAHAWK MANUFACTURING, a
Wisconsin corporation,

Defendant.

Civil No. 3:21-cv-00880-SI

**PLAINTIFF'S UNOPPOSED
MOTION FOR ORDER LIFTING
STAY**

On April 19, 2022 the Court entered its Order granting defendant's Motion to Stay Count One of the Amended Complaint until the Ninth Circuit resolved defendant's appeal of the Court's decision on defendant's motion to compel arbitration.

On December 19, 2022 the Ninth Circuit entered its decision affirming this Court's denial of the motion to compel arbitration. A copy of the Ninth Circuit's decision is attached hereto as Exhibit 1. Defendant did not file a petition for rehearing within the time allowed by FRAP 40.

Plaintiff moves the Court for an Order lifting the stay so that the First Count is activated and so that discovery may proceed on the First Count.

Counsel for plaintiff has consulted with counsel for defendant regarding this motion, and counsel for defendant has no objection to this motion.

Respectfully submitted this 17th day of January, 2023.

BENNETT HARTMAN, LLP,

s/Michael J. Morris

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